United Nations S/AC.43/2004/9

Security Council

Distr.: General
20 May 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 18 May 2004 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) of 12 March 2004 concerning the Democratic Republic of the Congo and, with reference to paragraph 8 of resolution 1533 (2004), has the honour to present the attached information regarding the actions taken by South Africa to implement effectively the measures imposed by paragraph 20 of resolution 1493 (2003) (see annex).

04-35861 (E) 250504

Annex to the note verbale dated 18 May 2004 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

Report by the Government of South Africa to the Security Council Committee in regard to resolution 1533 (2004) on the monitoring of Member States' compliance with Security Council resolution 1493 (2003) on the Democratic Republic of the Congo

Introduction

1. The present report by the Government of South Africa is submitted pursuant to paragraph 9 of United Nations Security Council resolution 1533 (2004), in which the Council requested Member States to report to the Security Council Committee on the Democratic Republic of the Congo, on the actions they have taken to implement the measures imposed by paragraph 20 of resolution 1493 (2003) as well as any further information they may consider necessary.

2. In paragraph 20 of its resolution 1493 (2003), the Security Council:

> "*Decides* that all States, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo".

Action taken by the South African Government

National Conventional Arms Control Committee

3. The South African Government has, since its inauguration in May 1994, committed itself to a policy of non-proliferation, disarmament and arms control, which covers all weapons of mass destruction and extends to concerns relating to the proliferation of conventional weapons.

4. On 30 August 1995 the South African Cabinet approved an Interim Arms Control Policy. This policy forms an integral part of its commitment to democracy, human rights, sustainable development, social justice and environmental protection. The Interim Arms Control Policy was based on the Armaments Development and Production Act (Act No. 57 of 1968). In 1997 the National Conventional Arms Control Committee (NCACC) initiated a drafting process for a new Conventional Arms Control Bill in order to obtain the legal statutory authority to control conventional arms and services.

5. The National Conventional Arms Control Act (NCAC) was promulgated on 1 May 2003 and replaced the Armaments Development and Production Act (No. 57 of 1968). The Act established a National Conventional Arms Control Committee (NCACC) consisting of Cabinet Ministers. The Act enables the NCACC to ensure

the implementation of a legitimate, effective and transparent control process, which would foster national and international confidence in the control procedures.

6. The Act has laid down a set of guiding principles and criteria to be used in the assessment of conventional arms transfers. These guiding principles and criteria are based on internationally accepted norms and, inter alia, include consideration of human rights and fundamental freedoms, and the adherence to international treaties and agreements. These criteria stipulate, among others, that the NCACC must:

(a) Avoid endangering regional and international peace and stability by introducing destabilizing military capabilities into a region, which could aggravate or prolong any existing armed conflicts;

(b) Adhere to international law, norms and practices and the international obligations and commitments of South Africa, including United Nations arms embargoes; and

(c) Avoid contributing to terrorism and crime.

7. The Act makes provision for four levels of responsibility:

(a) These include a technical processing level, which is carried out by the secretariat of the NCACC;

(b) A multi-departmental review process;

(c) A departmental scrutiny process; and

(d) A control, policy and decision-making authority.

All these levels of responsibility are included in the NCACC.

8. Provision is made for an independent Inspectorate, which is to ensure that trade in conventional arms and services is conducted in compliance with this Act. The scope and authority of inspection functions has further been broadened and is more clearly defined compared to the previous Act.

9. The Act also makes provision for stiffer penalties for offenders than the previous Act.

10. The Act requires quarterly reporting to Parliament, providing an ex post facto overview of exports.

11. In addition to controlling conventional arms and services, the Act also regulates military dual-use goods. This brings the Act into line with international arms control practices such as the Wassenaar Arrangement.

12. Another important aspect regulated by the Act in the trade in conventional arms and services is controlling brokering and freight forwarding services.

13. The Act has extraterritorial powers designed to control trade in conventional arms and services of South African nationals, as well as all foreign persons registered in South Africa, abroad.

14. At the outbreak of the conflict in 1998, the NCACC imposed an embargo on arms transfers to the Democratic Republic of the Congo and other involved countries in the region and it has been maintained since then.

15. NCACC has not authorized the transfer of arms to any of the conflict groups or parties in the Democratic Republic of the Congo.

16. The Government of South Africa has authorized the deployment of the South African National Defence Force (SANDF) in the Democratic Republic of the Congo as part of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), with the necessary arms and equipment required for the task.

United Nations S/AC.43/2004/10

Security Council

Distr.: General
25 May 2004
English
Original: Russian

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 20 May 2004 from the Permanent Mission of the Russian Federation to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) and, with reference to the Chairman's note No. SCA/01/04(11) of 5 May 2004, has the honour to inform him that on 21 September 2003 Mr. V. V. Putin, President of the Russian Federation, signed decree No. 1097 "On measures to implement United Nations Security Council resolution 1493 (2003) of 28 July 2003".

In the event that the Russian law enforcement agencies discover violations of the above-mentioned Security Council resolution, the relevant information will be reported immediately to the Security Council Committee established pursuant to resolution 1533 (2004).

04-36373 (E) 010604 070604

United Nations S/AC.43/2004/11

Security Council

Distr.: General
25 May 2004
English
Original: Spanish

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 20 May 2004 from the Permanent Mission of Mexico to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Mexico to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004), concerning the Democratic Republic of the Congo. With reference to note SCA/1/04/(11) dated 5 May 2004, the Permanent Mission has the honour to report that the Government of Mexico impiements fully and effectively the embargo on arms and related materiel referred to in resolutions 1493 (2003) and 1533 (2004).

The Government of Mexico maintains no relationship, either commercial or of any other kind, with the Democratic Republic of the Congo. Pursuant to the Federal Firearms and Explosives Act and its implementing regulations, the competent departments and other entities of the Federal Government have taken the necessary action to strengthen monitoring at the country's borders, to prevent all kinds of trafficking in arms and related materiel.

04-36702 (E) 010604 070604

United Nations S/AC.43/2004/12

Security Council

Distr.: General
25 May 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 24 May 2004 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Slovakia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and, in accordance with paragraph 9 of that resolution, has the honour to communicate the following:

> "On the basis of the Restrictive Measures Act of the Slovak National Council No. 460/2002 Coll., which requires that the Government adopt or revoke by a decree the restrictive measures against specific individuals, groups or countries with regard to obligations under international law regulations and provides for penalties for infringements of those decrees, the Government of Slovakia adopted, on 5 November 2003, Decree No. 447/2003 Coll., amending Decree No. 707/2002 Coll. on international sanctions maintaining or restoring international peace and security, with the view to implementing the measures imposed by United Nations Security Council resolution 1493 (2003) into domestic law."

04-36708 (E) 040604

United Nations S/AC.43/2004/13

Security Council

Distr.: General
28 May 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 24 May 2004 from the Permanent Representative of Finland to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Finland presents her compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004), and has the honour to communicate the following information concerning the implementation of the United Nations embargo on arms and related materiel against the Democratic Republic of the Congo as established by Security Council resolutions 1493 (2003) and 1533 (2004). This reply should be read in conjunction with the reply submitted by Ireland on behalf of the European Union (see S/AC.43/2004/4).

The obligations established by Security Council resolution 1493 (2003) have been implemented through Common Position (No. 2003/680/CFSP) and Regulation (EC No. 1727/2003) adopted by the Council of the European Union. The regulation is directly applicable legislation in the Member States of the European Union.

At the national level, the arms embargoes imposed by the United Nations Security Council or the European Union are implemented by virtue of the Act on the Export and Transit of Defence Materiel (Act No. 242/1990, as amended by Acts 197/1995 and 900/2002). According to the Act, export, transit or brokering of defence materiel is subject to specific authorization.

The General Guidelines for Export and Transit of Defence Materiel adopted by the Government (474/1995, as amended by Government decision 1000/2002) provide for the rules to be followed when granting an export licence or a licence to transhipment of defence materiel. Annexes 2.1.2 and 2.1.3 to the Guidelines state that the economic sanctions and arms embargoes imposed by the binding resolutions of the United Nations Security Council or by the European Union, respectively, shall be complied with.

According to section 7 of the Act on the Export and Transit of Defence Materiel, a person who commits an export crime shall be fined or imprisoned for a maximum period of four years. Sanctions and forfeitures to be imposed for violations of the provisions of the above-mentioned regulation are provided in chapters 46 and 10 of the Finnish Penal Code.

04-36859 (E) 010604

United Nations S/AC.43/2004/14

Security Council

Distr.: General
2 June 2004
English
Original: French

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Letter dated 26 May 2004 from the Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith my Government's reply, in the form of a note verbale, concerning the implementation of the arms embargo against the Democratic Republic of the Congo.

This reply is supplementary to the reply which the Irish Presidency of the European Union has sent to the Security Council Committee established pursuant to resolution 1533 (2004).

(*Signed*) Jean **de Ruyt**
Ambassador
Permanent Representative

04-37307 (E) 070604 070604

Annex to the letter dated 26 May 2004 from the Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Belgium to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the situation in the Democratic Republic of the Congo and has the honour to inform him that Belgium has taken the necessary steps to implement the measures imposed under paragraph 20 of Security Council resolution 1493 (2003).

In Belgium, all exports of military materiel are subject to an export licencing regime. No export licence is granted for the export of military materiel to a country subject to Security Council sanctions.

Furthermore, Belgium is required to implement the measures which the European Union has taken in implementation of resolution 1493 (2003); these are described in the note from the Permanent Mission of Ireland to the United Nations in its capacity as representative of the Presidency of the European Union. Council Regulation (EC) No. 1727/2003, adopted on 27 September 2003, is directly applicable in Belgium.

United Nations S/AC.43/2004/15

Security Council

Distr.: General
2 June 2004
English
Original: Spanish

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 1 June 2004 from the Permanent Mission of Costa Rica to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Costa Rica to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to refer to his note SCA/1/04 (11) requesting information on the actions taken by Costa Rica to implement the sanctions imposed by the Security Council concerning the Democratic Republic of the Congo (DRC).

In that regard, the Permanent Mission of Costa Rica has the honour to provide the following information:

1. Costa Rica, which has no army, has not directly or indirectly supplied, sold or transferred, from its territory or by its nationals, or using its flag vessels or aircraft, any type of arms or related materiel to any Congolese or foreign armed groups and militias operating in the territory of North Kivu or southern Ituri or to any other armed group active in the Democratic Republic of the Congo. Nor has Costa Rica provided any assistance, advice or training related to military activities, or to the use of arms, to the aforementioned armed groups. Costa Rica also has not served as a bridge for the transit of arms to those armed groups. Please find herewith certification in that regard by Major Eric Karolicki Karolicki, Director-General of Armaments of the Costa Rican Ministry of Public Security.*

2. Costa Rica has no diplomatic or consular representation in the Democratic Republic of the Congo.

3. The Government of Costa Rica has no information about possible violations of the measures imposed by the Security Council concerning the Democratic Republic of the Congo. The Ministry of Foreign Affairs of Costa Rica is working diligently to ensure that Costa Rica continues to implement fully the Security Council provisions concerning the armed groups operating in the Democratic Republic of the Congo.

* The text is available in the files of the Secretariat.

04-37313 (E) 070604 070604

4. In conclusion, the Government of Costa Rica is fully implementing the measures imposed by the Security Council under resolution 1533 (2004) concerning the embargo on the supply of arms and military assistance to certain groups in the Democratic Republic of the Congo (DRC).

United Nations S/AC.43/2004/16

Security Council

Distr.: General
7 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 28 May 2004 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to provide the information set out below.

With reference to the note verbale dated 12 May 2004 from the Presidency of the European Union to the Chairman of the Committee (S/AC.43/2004/3), the Permanent Mission of Austria wishes to inform the Committee that the member States of the European Union (EU), including Austria, have implemented the measures against the Democratic Republic of the Congo imposed by Security Council resolution 1493 (2003) by enacting Council of the European Union common position 2003/680/CFSP of 29 September 2003 amending common position 2002/829/CFSP on the supply of certain equipment to the Democratic Republic of the Congo and Council of the European Union regulation (EC) No. 1727/2003 of 29 September 2003 concerning certain restrictive measures in respect of the Democratic Republic of the Congo.

Whereas Council of the European Union regulations are binding in their entirety and directly applicable in all member States of the European Union and thus do not require further national implementation, the above Council of the European Union common position endorsing the arms embargo has been implemented by national legislation.

As regards the arms embargo, the Austrian War Materials Act (WMA), the Austrian Foreign Trade Act (FTA) and the Foreign Trade Act Regulation apply. According to these rules, no permission may be granted to export war materials, weapons etc. to countries that are subject to a United Nations or EU arms embargo. Non-compliance with WMA or FTA is in principle an administrative offence but may under certain circumstances also be regarded as a criminal offence, to be punished with imprisonment of up to five years or payment of a fine of up to 360 daily rates.

04-37965 (E) 080604

United Nations S/AC.43/2004/17

Security Council

Distr.: General
10 June 2004
English
Original: Spanish

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Letter dated 1 June 2004 from the Permanent Representative of Honduras to the United Nations addressed to the Chairman of the Committee

I have the honour to refer to your note SCA/01/04 s(11), in which we are requested to respond to the report described in paragraph 9 of Security Council resolution 1533 (2004). I am pleased to inform you that the Government of Honduras has not exported and does not export arms or any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, or to groups not party to the Global and All-Inclusive agreement on the Transition in the Democratic Republic of the Congo.

(*Signed*) Manuel **Acosta Bonilla**
Ambassador
Permanent Representative

04-38559 (E) 140604 140604

United Nations S/AC.43/2004/18

Security Council

Distr.: General
10 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 8 June 2004 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Norway to the United Nations presents its compliments to the Chairman of the Committee and, with reference to paragraph 9 of resolution 1533 (2004), has the honour to present the attached information regarding the actions taken by Norway to implement effectively the measures imposed by paragraph 20 of resolution 1493 (2003) (see annex).

04-38565 (E) 150604

Annex to the note verbale dated 8 June 2004 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

REPORT TO THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO COUNCIL RESOLUTION 1533 (2004) CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO, CF. PARAGRAPH 9 OF THAT RESOLUTION

N O R W A Y

I. Introduction

1. Norway is fully committed to complying with the demand, laid down in paragraph 20 of resolution 1493 (2003), that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive agreement on the Transition in the Democratic Republic of the Congo.

II. Legal measures

2. Section 1 of Act of 7 June 1968 No. 4[1] relating to the implementation of mandatory decisions of the Security Council of the United Nations provides the legal basis for the King in Council to issue such regulations as are necessary in order to implement such decisions.

3. The regulations of 10 October 2003 No. 1221[2] relating to sanctions against certain groups and militias operating in the Democratic Republic of the Congo were laid down pursuant to section 1 of the above-mentioned Act in order to implement the measures laid down in paragraphs 20 and 21 of resolution 1493.

4. Pursuant to section 2 of the above-mentioned Act, any wilful or negligent contravention of the regulations, or assistance thereto, is punishable by fines, imprisonment or both.

5. Pursuant to section 3 of the above-mentioned Act, objects which are imported or exported in contravention of the regulations, or in regard to which an attempt to import or export has been made, as well as any means of payment or securities employed in contravention of the regulations, may be confiscated by court order.

III. Cooperation with the Committee, the Group of experts and MONUC

6. Norway will continue to cooperate fully with the Committee, the Group of experts and MONUC. Norwegian authorities are not aware of any violations of the measures imposed by paragraph 20 of resolution 1493.

---

[1] Enclosure No. 1
[2] Enclosure No. 2

Enclosure No. 1

Act No. 4 of 7 June 1968 relating to the implementation of mandatory decisions of the Security Council of the United Nations

§ 1. The King is authorized to take such decisions as are necessary in order to implement mandatory decisions of the Security Council of the United Nations.

The King determines whether a decision of the Security Council is mandatory.

§ 2. Anyone who wilfully contravenes or is wilfully accessory to the contravention of provisions issued pursuant to this Act is liable to fines or to a maximum term of three years' imprisonment or both.

Anyone who through negligence contravenes or is through negligence accessory to the contravention of such provisions as mentioned in the first paragraph is liable to fines or a maximum term of six months' imprisonment or both.

§ 3. Objects which are imported or in regard to which an attempt has been made to import, or exported or in regard to which an attempt has been made to export, in contravention of any provisions issued pursuant to this Act, as well as any means of payment or securities employed in contravention of such provisions, may be confiscated by court order irrespective of ownership and without criminal proceedings being instituted, or the possibility of their being instituted, against any party. If confiscation does not prove possible, the offender or the party on whose behalf he has acted may be ordered by the court to pay an amount equivalent to the partial or entire value of the objects without the necessity or possibility of instituting criminal proceedings against any party.

Confiscation in terms of this provision is not to be considered a penalty.

§ 4. This Act enters into force immediately.

Enclosure No. 2

Regulations of 10 October 2003 No. 1221 relating to sanctions against certain groups and militias operating in the Democratic Republic of the Congo

Laid down by Royal Decree of 10 October 2003 pursuant to Act of 7 June 1968 No. 4 relating to the implementation of mandatory decisions of the Security Council of the United Nations. Submitted by the Ministry of Foreign Affairs.

The following regulations have been laid down for the implementation of Security Council resolution 1493 of 28 July 2003.

§ 1.

1. It is prohibited for anyone in the territory of Norway and any Norwegian national regardless of his or her whereabouts directly or indirectly to sell, supply or transfer arms or any related materiel to:

a) armed groups and militias operating in the provinces of North Kivu, South Kivu or Ituri in the Democratic Republic of the Congo, or

b) groups in the Democratic Republic of the Congo that are not party to the Global and All-inclusive agreement of 17 December 2002.[1]

2. The prohibition set out in subsection 1 also applies to the use of Norwegian flag vessels or aircraft.

3. The prohibition set out in subsection 1 applies moreover to the provision of any assistance, advice or training related to military activities.

4. The prohibitions set out in subsections 1, 2 and 3 do not apply to:

a) supplies to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) or the integrated Congolese national army and police forces,

b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through its Special Representative for the Democratic Republic of the Congo. Such notification is to be effected via the Ministry of Foreign Affairs.

5. Section 12 of the Penal Code is not applicable.

§ 2. The Ministry of Foreign Affairs is authorised to amend, suspend or repeal these regulations.

§ 3. These regulations enter into force immediately.

[1] The parties to the agreement are the Government of the Democratic Republic of the Congo, the armed groups RCD (Rassemblement Congolais pour la Démocracie), MLC (Mouvement pour la Liberation du Congo), RCD/ML (RCD-Mouvement de Libération), RCD/N (RCD-National), Mai-Mai, the (unarmed) political opposition, and representatives of civil society.

United Nations S/AC.43/2004/19

Security Council

Distr.: General
10 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 9 June 2004 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the note dated 5 May 2004, has the honour to transmit herewith the reply of the Government of the Syrian Arab Republic to resolution 1533 (2004), in particular to paragraphs 1, 9 and 12 of that resolution (see annex).

04-38571 (E) 150604

Annex to the note verbale dated 9 June 2004 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to inform the Committee of the steps that the Syrian Arab Republic has taken to enforce the measures imposed by paragraph 20 of Security Council resolution 1493 (2003).

- The Customs Inspection Agency of the Syrian Arab Republic is an integrated system that carries out border surveillance and activities to prevent illegal arms trafficking through the Syrian Arab Republic to any country in the world;
- The Syrian civil aviation authorities operate under standing instructions not to grant permission to any aircraft requesting to overfly Syrian airspace, unless notified beforehand of the route, type, registration code and final destination of the aircraft and the contents of its cargo;
- The Government of the Syrian Arab Republic is committed to providing the Security Council Committee established pursuant to resolution 1533 (2004) with all the information available to its authorities concerning violations of the measures imposed by paragraph 20 of Security Council resolution 1493 (2003).

The Permanent Mission of the Syrian Arab Republic to the United Nations takes this opportunity to convey to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) the assurances of its highest consideration.

United Nations S/AC.43/2004/20

Security Council

Distr.: General
10 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 9 June 2004 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the latter's note verbale dated 5 May 2004, has the honour to transmit herewith the report called for in paragraph 9 of resolution 1533 (2004) (see annex).

04-38553 (E) 150604

Annex to the note verbale dated 9 June 2004 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

JAPAN

Report to the Security Council Committee established pursuant to Council resolution 1533 (2004) concerning the Democratic Republic of Congo.

Japan's export control legislation and measures are in accordance with paragraph 20 of resolution 1493.

The Government of Japan has been dealing carefully with "arms" exports in accordance with the policy guideline titled "Three Principles on Arms Exports" (hereinafter referred to as "the Three Principles") in order to avoid any possible aggravation of international conflicts. The three Principles have been the basic policy concerning Japan's "arms" exports since they were declared at the Diet session in 1967. "Arms" as referred to in the Three Principles are defined as goods which are used by military forces and which are directly employed in combat, specifically, 16 goods listed under Item 1 of the Annexed List 1 of the Export Trade Control Order. (ANNEX)

Under the Three Principles, "arms" exports to the following countries or regions shall not be permitted:

(1) Communist bloc countries,
(2) countries subject to "arms" exports embargo under United Nations Security Council resolutions, and
(3) countries involved in or likely to be involved in international conflicts.

Subsequently, in February 1976, the Government of Japan announced the collateral policy guideline at the Diet session that "arms" exports to other areas not included in the Three Principles will also be restrained in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy guideline declared that the Government of Japan shall not promote "arms" exports, regardless of the destination.

Japan's export control system is based on the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1948) (hereinafter referred to as "the Foreign Exchange Law"), which provides the general legal framework governing Japan's external transactions, as well as the Export Trade Control Order (Executive Order No. 414 of 1949) (for goods) and the Foreign Exchange Order (Executive

Order No. 260 of 1980) (for technologies). In accordance with these regulations, the Government of Japan exercises vigilant control over exports of all items on the lists attached to the Orders by means of a licensing requirement.

Based on the foreign Exchange Law, the government of Japan controls exports of goods and technologies which appear as the 15 items described as "subject to control" in the Export Trade Control Order Attachment List 1 and the Foreign Exchange Order Attachment List, respectively. Goods and technologies described on these Lists correspond to the goods and technologies controlled by the four international export control regimes, namely the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Supplies Group and the Australia Group.

(ANNEX)

Arms and Arms Production-related Equipment listed as Item 1 of the Annexed list 1 of the Export Trade Control Order

(1) Firearms and cartridges to be used therefor (including those to be used for emitting light or smoke), and accessories thereof, as well as parts thereof.

(2) Ammunition (excluding cartridges), and equipment for its dropping or launching, and accessories thereof, as well as parts thereof.

(3) Explosives (excluding ammunition) and military fuel.

(4) Explosive stabilizers.

(5) Directed energy weapons and parts thereof.

(6) Kinetic energy weapons (excluding firearms) and equipment for their launching, as well as parts thereof..

(7) Military vehicles, and accessories and bridges specially designed for military use thereof, as well as parts thereof.

(8) Military vessels, and hulls and accessories thereof, as well as parts thereof.

(9) Military aircraft and accessories thereof, as well as parts thereof.

(10) Anti-submarine nets and anti-torpedo nets as well as buoyant electric cable for sweeping magnetic mines.

(11) Armor plates and military helmets, as well as bullet-proof jackets and parts thereof.

(12) Military searchlights and control equipment thereof.

(13) Bacterial, chemical, and radioactive agents for military use, as well as equipment and parts thereof for dissemination, protection, detection, or identification thereof.

(13-2) Chemical mixtures specially formulated for the decontamination of objects contaminated with biological agents and radioactive materials adapted for use in war and chemical warfare agents.

(14) Biopolymers for detection and identification of chemical agents for military use and cultures of cells for production thereof, as well as biocatalysts for decontamination and degradation of chemical agents for military use and expression vectors, viruses or cultures of cells containing the genetic information necessary for production thereof.

(15) Equipment and parts thereof for the production or testing of military explosives.

(16) Equipment for the production or testing of arms, as well as parts and accessories thereof.

United Nations S/AC.43/2004/21

Security Council

Distr.: General
16 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 10 June 2004 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Italy to the United Nations presents its compliments to the Chairman of the Committee and in compliance with paragraph 9 of resolution 1533 (2004) has the honour to report the following.

As the Permanent Mission of Ireland indicated in its note verbale of 12 May 2004 submitted on behalf of the European Union, the arms embargo on the Democratic Republic of the Congo established by Security Council resolution 1493 (2003) was implemented throughout the European Union by Council regulation No. 1727/2003 of 29 September 2003, which has direct effect in Italy and in all the European Union member States.

Moreover, arms embargoes mandated by the Security Council are automatically enforced in Italy through article 6 of the Italian Law 185/1990, which contains provisions on arms exports.

04-39203 (E) 180604

United Nations S/AC.43/2004/22

Security Council

Distr.: General
16 June 2004

Original: English

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 11 June 2004 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the note verbale dated 5 May 2004, has the honour to report that the Government of the Republic of Moldova implements fully and effectively the measures imposed by paragraph 20 of resolution 1493 (2003).

The Moldovan relevant authorities have taken the necessary actions to prevent all kinds of trafficking in arms and related materiel from the territory of the Republic of Moldova or by its nationals, and the provision of any assistance, advice or training to armed groups operating in North and South Kivu and Ituri in the Democratic Republic of the Congo.

The Government of the Republic of Moldova will make available to the Committee any information at its disposal on possible violations of the measures imposed by paragraph 20 of resolution 1493 (2003).

04-39298 (E) 180604